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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,291	11/20/2001	Takashi Yamaguchi	F-7228	9542

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EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,291

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 August 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,9,10 and 12-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-7,9,10 and 12-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/9/04 & 4/5/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

The amendment filed on August 9, 2004 has been entered. By this amendment, claims 3, 8, 11 have been canceled, claims 1-2, 4-7, 9-10, 12-14 are now pending in the application.

Claim Objections

1. Claim 13 is objected to because of the following informalities:

In claim 13, line 9, the “driives” should be corrected to “drive”.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 4-5, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, line 15-17, the claimed “discriminating between operation control information data and the identification information data” does not correspond with the details disclosed in the specification page 26, lines 9-11, according to the specification, the discrimination information data is for discriminating the operation control and the ***change*** of the identification information data.
- b. In claim 1, lines 31-33, the claimed limitation “discriminating whether received data is operation control information data or identification information data” does not

Art Unit: 3661

- correspond with the specification page 256, lines 9-11 as explained in claim 1, lines 15-17 above.
- c. In claim 1, lines 40-43, the claimed “when the transmitter-specifying information data and the drive ... in the data storage” does not seem to make a complete sentence, it is not clear what the second discriminator will be doing when the transmitter specifying information data and the drive specifying information data coincide with the transmitter specifying information data and the drive specifying information data.
 - d. In claim 2, line 5, the claimed “the transmitting unit” lacks of antecedent basis.
 - e. In claim 14, line 3, the claimed “the transmitter” lacks of antecedent basis.
 - f. In claim 14, lines 13-14, the claimed “including predetermined ... “ is ambiguous, it is not clear if it is the received data that includes the predetermined change-designating information and the drive-specifying information or if it is the identification information data stored in the data storage that includes predetermined change-designating information and the drive-specifying information
 - g. In claim 14, line 15-16, the claimed “stored in the data storage” is ambiguous, it is not clear what should be stored in the data storage.
 - h. Other claims are rejected as being dependent on the rejected base claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3661

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-7, 9-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukio (JP 2000-051541) (enclosed IDS) in view of Jicha et al (US 6,175,784).

As per claim 1-2, Yukio teaches a system for remote-controlling a drive, the system comprises: a data generator for generating identification information data relating to the transmitter (para 0005); and drive specifying information data (para 0007); a transmitter 100 (fig.1); a receiver 200 (fig.1) (abstract), a controller for executing operation control (para 0025); and a second discriminator for determining whether the received data is transmitted to the drive (para 0023). Yukio does not explicitly disclose a discrimination data, a data storage for storing identification of the drive, a first and second discriminator, and an identification information changer. However, Jicha teaches providing a discrimination information data for discriminating between operation control or of identification data (col.8, lines 1-3; col.7, lines 51-61); a storage device (col.3, lines 54-59); a first discriminator for discriminating whether the received data for operation control or for the identification information (col.8, lines 1-3; col.7, lines 51-61), a control device for executing the operation control and an identification change device for changing the id information stored in the storage device (col.4, lines 7-15; col.7, lines 45-67; col.8, lines 1-3; col.11, lines 8-17). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the capability of storing identification information in the receiver 200 (fig.1), and determining whether the message is for controlling operation of the drive or of manipulating the identification data taught by Jicha to the system of Yukio in order to facilitate changing the identification of the transmitters and receivers in a system consisting a plurality of transmitters and receivers.

Art Unit: 3661

As per claim 4-5, accepting and changing information when such the information meets a specific condition; storing data in nonvolatile memory would have been known.

As per claim 6-7, 9-10, 12-14, refer to claims 1-2 above.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451

Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Art Unit: 3661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THU V. NGUYEN
PRIMARY EXAMINER

October 22, 2004